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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,054	08/20/2001	Richard Horn	ZTP 99 P 4011	6717
24131	7590	06/11/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			TRAN, KHOA H	
			ART UNIT	PAPER NUMBER
			3634	
DATE MAILED: 06/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/933,054

**Applicant(s)**

HORN ET AL.

**Examiner**

Khoan Tran

**Art Unit**

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 12-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6, 8 and 12-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 12-14, 20-22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasqualini et al. (Patent No. 4,617,759) in view of Kordes (Patent No. 4,053,972). Pasqualini et al. disclose a refrigerator door comprising a metal outer panel (16) having a free edge portion, see Figures 1 and 2; an inner panel (17) having an edge portion spaced apart from the outer panel; a thermal foamed insulation disposed between the outer and inner panels, see column 1, lines 50-55; a plastic thermal insulating couple (1) being a fastening element of a door seal having connecting edge portions connecting the edge portion of the inner panel with the free edge portion of the outer panel, see Figure 4, wherein the connecting edge portions (9 and 19) behave as a spring member that substantially thermally uncoupling the edge portion from the free edge portion; and a door seal (11) having a seal foot (12) directly held by the thermal insulating couple. Pasqualini et al. do not teach a refrigerator door having both the inner and outer panels made of metal. However Kordes (Patent No. 4,053,972) teaches a refrigerator door having both the inner and outer panels made of metal. See column 1, line 18. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the inner panel of Pasqualini et al. to be a metal material instead of made of plastic material as taught by Kordes in order to permit a sufficiently

yielding that allow thermally induced relative movement between the inner panel and outer panel without damage to either panels when the door is filled with insulation material since both door panels are made of metal material.

Claims 1-6, 8, and 12-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kordes (Patent No. 4,053,972) in view of Kiel (Patent No. 5,193,310). Kordes discloses a refrigerator door comprising a metal outer panel (14) having a free edge portion (20) and a metal inner panel (22) having an edge portion (24), see Figure 4 and column 1, line 18; the free edge portion of the outer panel is vertically offset in a parallel plane from the edge portion of the inner panel; a thermal foamed insulation (28) disposed between the outer and inner panels; a thermal insulating couple (30) being a fastening element of a door seal having connecting edge portions connecting the edge portion of the inner panel with the free edge portion of the outer panel. Kiel teaches a plastic thermal insulating couple (18) substantially connecting between an offset free edge portion of the outer panel (12) and the edge portion of the inner panel (14), the thermal insulating couple comprising a door seal (20) that has a magnetic seal (24) and a seal foot (34) held by the insulating couple, see Figure 1, and the insulating couple having two receiving grooves (60 and 50) that substantially thermally uncoupling the edge portion from the free edge portion, see Figure 2. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to substitute the thermal insulating couple of Kordes with the provision of a thermal coupling as taught by Kiel in order to have a thermal coupling that has a magnet seal to seal between the door and the cabinet of the refrigerator.

***Response to Amendment***

Applicants' arguments with respect to claims 1-6, 8, and 12-25 have been considered but are moot in view of the new grounds of rejection.

With respect to applicants' arguments on page 14 that Kordes is silent about what type of a material that the inner and outer panels are made of, it should be noted that column 1, line 18, of Kordes expressed that the inner and outer panels of the refrigerator door are made of metal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun, can be reached on (703) 308-2156. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa Tran

June 4, 2004



LESLIE A. BRAUN  
SUPERVISORY PATENT EXAMINER